

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO.588 OF 2019**

**WITH**

**CIVIL APPLICATION NO.668 OF 2019**

**IN**

**APPEAL FROM ORDER NO.588 OF 2019**

Shri Rahul Ravindra Dhamdhere And Anr. ...Appellants

vs.

Smt. Kusum Madhavrao Shitole And Ors. ...Respondents

.....

Mr. Vilas B. Tapkir, for the Appellants.

Mr. Jaydeep Deo, for the Respondents.

.....

**CORAM : S.C. GUPTE, J.**

**DATED : 26 AUGUST 2019**

**P.C. :**

. After the matter is heard at some length, it is agreed between learned Counsel for the parties that the impugned order passed by Joint Civil Judge, Senior Division, Pune on 16 November 2017 may be quashed and set aside to the extent it grants an injunction restraining creation of any disturbance to the purported peaceful possession of the plaintiffs in the suit property and the interim application, being Exhibit 5, be remanded to the trial court for fresh hearing in accordance with law to the extent of the claim of the plaintiffs for peaceful or vacant possession in the suit property. It is ordered accordingly.

2. The Civil Judge, Senior Division, Pune, hearing the interim application (Exhibit 5), is requested to dispose of the application as expeditiously as possible and preferably within a period of six weeks after this order is pointed out to the Court. Either party may produce an authenticated copy of this order before the court on 3 September 2019 at 11.000 a.m.

3. The appeal from order is disposed of in the above terms.

4. In view of the disposal of the appeal from order, the civil application does not survive and the same is also disposed of.

Smita  
Gonsalves

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( S.C. GUPTE, J. )